

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THYEEM KEESH,

Plaintiff,

v.

ORDER
04-CV-271A

GLENN S. GOORD, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1). On September 14, 2007, Magistrate Judge Payson filed a Report and Recommendation, recommending that District Attorney Frank Clark's motion for summary judgment be granted, that the DOCS defendants' motion for summary judgment be granted in part and denied in part, and that plaintiff's cross-motion for summary judgment be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Payson's Report and Recommendation, District Attorney Frank Clark's motion for summary judgment is granted, the DOCS defendants' motion for summary judgment is granted in part and denied in part, and plaintiff's cross-motion for summary judgment is denied.

This case is referred back to Magistrate Judge Payson for further proceedings, including the assignment of pro bono counsel.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 1, 2007